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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,137	06/30/2003	Shawn E. Wiederin	COS02007	3010

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EXAMINER

BLUDAU, BRANDON S

ART UNIT PAPER NUMBER

2132

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/608,137	Applicant(s) WIEDERIN ET AL.	
	Examiner Brandon S. Bludau	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in reply to a claim Election filed on 04 December 2006. Claims 1-22 are pending.

Election/Restrictions

2. Applicant's election with traverse of claims 1-22 in the reply filed on 04 December 2006 is acknowledged. The traversal is on the ground(s) that the two groups contain a number of similar claims. The Applicant argues that claim 8 is common to both groups, and the Examiner agrees, however the claim serves only to discuss the two process to be usable together, and as pointed out in the previous action the two groups have materially different functions and separate utility. The search for either group is not co-extensive and would require an undue burden on the Examiner, as pointed out in the previous action.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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3. Claims 1,2,5,8-10,14,16,17 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Suuronen (US PgPub 2003/0145228).

4. As per claim 1, Suuronen discloses a device, comprising:

At least one interface configured to receive data transmitted via a network (see fig. 1);

A firewall configured to:

Receive data from the at least one interface, determine whether the data potentially contains malware content, and identify first data in the received data that potentially contains malicious content [0019] and [0020];

Intrusion detection logic configured to:

Receive the first data, and generate report information based on the first data; and

Forwarding logic configured to:

Receive the report information, and determine whether to forward the first data for processing by a user application based on the report information ([0020] and [0021] wherein the report information are the virus updates sent to the firewall from the intrusion detection logic).

5. As per claim 2, Suuronen discloses the device of claim 1, wherein the forwarding logic is further configured to:

Forward the first data to a user device executing the user application when the determining indicates that the first data does not contain malicious content, and discard

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the first data when the determining indicates that the first data contains malicious content [0021].

6. As per claim 5, Suuronen discloses the device of claim 1, wherein the firewall comprises anti-virus logic configured to examine a data stream for viral signatures using at least one of a signature-based technique, a heuristic technique and a rough set logic technique ([0021] wherein the scanning engine comprising a database typically classifies as a signature based technique. Moreover the Examiner mentions that all are well-known virus detection techniques and would be necessarily obvious in view of prior art).

7. As per claim 8, Suuronen disclose the device of claim 1, wherein at least one of the firewall, the intrusion detection logic and the forwarding logic is configured to receive rule-based processing information from an external device via the network ([0021] lines 14-21).

8. As per claim 9, Suuronen discloses the device of claim 8, wherein at least one of the firewall, intrusion detection logic and forward logic is further configured to receive updated rule-based processing information from the external device ([0021] lines 14-21).

9. Claim 10 is rejected because it discloses similar subject matter to claim 2.

10. Claim 14 is rejected because it discloses similar subject matter to claim 5.

11. Claim 16 is rejected because it discloses similar subject matter to claim 2, wherein the Examiner points out that the first set of rules would be those used by the

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firewall to determine packets that necessarily do not contain malware and the second set of rules is applied by the virus scanning engine.

12. Claim 17 is rejected because it discloses similar subject matter to claim 2.

13. Claim 20 is rejected because it discloses similar subject matter to claim 5.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 3-4,6-7,11-13,15,18-19, and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suuronen.

15. As per claim 3, Suuronen discloses the device of claim 1, but does not disclose wherein the forwarding logic is further configured to:

Defer a forwarding decision to a central management system based on parameters associated with the report information, and

Forward the report information to the central management system.

The Examiner takes official notice that it is well known and very common in intrusion detection systems to defer a forwarding decision to a third party or central management system. Motivation commonly used in the art for doing this is such that not all decisions are very clear; depending on the situation, logic may not be able to make the best decision to forward the data so a network manager is typically polled for the proper action to be taken.

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16. As per claim 4, Suuronen discloses the device of claim 3, but does not disclose further comprising:

A virtual private network gateway configured to establish a secure connection with the central management system.

The examiner points to figure 3, wherein the gateway firewall is used to protect a LAN, which as is commonly known in the art to typically consist of an enterprise network in which virtual private networks are commonly established. One of ordinary skill in the art would see this as an obvious enhancement of Suuronen, due to its widespread and established use in the art.

17. As per claim 6, Suuronen discloses the device of claim 5, but does not explicitly disclose wherein the anti-virus logic is further configured to identify unsolicited messages ([0012] last sentence).

The Examiner takes official notice that is well known and common in the art for firewalls to protect networks from unsolicited messages. Firewalls typically serve as a gateway for a private network where it is highly desired to prevent messages from entering the network that are not initiated by a device behind the firewall. Motivation as would be well known to one of ordinary skill in the art would be to protect the network from unsolicited messages that may flood the private network.

18. As per claim 7, Suuronen discloses the device of claim 1, further comprising:

a processing device executing the user application, the user application being associated with at least one of video-on-demand, video-based training, on-line gaming, on-line shopping, downloading music files and downloading games ([0019] lines 19-22

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wherein this embodiment is possible when the firewall is located at the destination computer as is commonly performed in the art as would be known to one of ordinary skill).

19. Claim 11 is rejected because it discloses similar subject matter to claim 3.

20. Claim 12 is rejected because it discloses similar subject matter to claim 4.

21. As per claim 13, Suuronen disclose the method of claim 11, but does not disclose further comprising:

receiving, from the external device, information indicating whether the first data is to be forwarded to the user device; and dropping the first data when the information indicates that the first data is not to be forwarded.

The Examiner points to the rejection of claim 3, wherein as is commonly practiced in the art as would be well known of ordinary skill, the network manager necessarily communicates the decision to the forwarding device whether or not to forward the data. This is a very well understood feature commonly used in the art.

22. As per claim 15, Suuronen discloses the method according to claim 10, but does not explicitly disclose wherein the identifying comprises identifying spam. The Examiner notes however, in view of the rejection to claim 6, that spam may apply to unsolicited messages as would be understood to one of ordinary skill in the art.

23. Claim 18 is rejected because it discloses similar subject matter to claim 3.

24. Claim 19 is rejected because it discloses similar subject matter to claim 4.

25. Claim 21 is rejected because it discloses similar subject matter to claim 15.

26. Claim 22 is rejected because it discloses similar subject matter to claim 7.

Conclusion

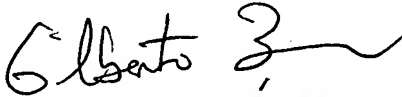
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon S. Bludau whose telephone number is 571-272-3722. The examiner can normally be reached on Monday -Friday 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brandon S Bludau
Examiner
Art Unit 2132

BB


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